

FILED

JAN 17 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
JOSEFINA SELIBIO SAPALARAN, RN	:	
License No. 26NR09885200	:	FINAL ORDER WITHDRAWING
	:	PROVISIONAL ORDER
TO PRACTICE NURSING	:	OF DISCIPLINE
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Josefina Selibio Sapalaran ("Respondent") is licensed as a registered professional nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On May 5, 2011 Respondent completed an online biennial license renewal application which asks "Will you have completed the required continuing education credits by May 31, 2011," referring to the thirty hours of continuing education required for the June 1, 2009 - May 31, 2011 period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. On March 19, 2012, the Board sent Respondent a demand for written statement under oath ("demand") seeking information about an incidence involving restraints which resulted in Respondent's termination of employment from Hoboken University Medical Center. The demand also requested proof of continuing education credits for the June 1, 2009 to May 31, 2011 biennial renewal period.

3. On May 7, 2012, Respondent sent a response to the Board including proof that she completed five hours of continuing education in the biennial period of June 1, 2009 - May 31, 2011 and thirty hours of continuing education in the preceding biennial period of June 1, 2007 - May 31, 2009.

4. On May 29, 2013 Respondent completed an online biennial license renewal application which asks "Will you have completed the required continuing education credits by May 31, 2013," referring to the thirty hours of continuing education required for the June 1, 2011 - May 31, 2013 period. Respondent answered "yes" and certified that answer to be true by submitting the online application.

#### CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial renewal period. Falsification of any information submitted on the

renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

At the time of filing of the Provisional Order of Discipline, it appeared that Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of continuing education during the June 1, 2009 - May 31, 2011 biennial renewal period. The Board therefore found Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deemed professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constituted a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h). Further, the Board found that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education, constituted the use or employment of dishonesty, deception, or misrepresentation

within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

As the Board preliminarily determined that Respondent would have to remediate deficiencies in continuing education, the Board found it appropriate that one of those courses cover the topic of restraints, which was the subject of the report to the Board. See N.J.S.A. 45:1-22(g).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice nursing in the State of New Jersey was entered on September 3, 2013 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5 p.m. on the 30th business day following entry unless respondent requested for modification or dismissal setting forth in writing any and all reasons why said finding and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the Provisional Order of Discipline, Respondent indicated that the wrong certificates had initially been provided to the Board. Respondent provided additional certificates of completion indicating that Respondent had

completed 35 hours of continuing education within the June 1, 2009 - May 31, 2011 period and 30 hours within the June 1, 2011 - May 31, 2013 period.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. Respondent timely completed the required continuing education for the last two biennial renewal periods.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of Jan., 2014,

ORDERED that:

1. The Provisional Order of Discipline filed on September 3, 2013 is hereby withdrawn in its entirety.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President